

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Ryan C. Bundy,

Plaintiff

V.

United States of America Inc., et al.,

Defendants

2:17-cv-01127-JAD-GWF

Order Dismissing Case

Three months ago, I ordered pro se plaintiff Ryan Bundy to update his mailing address so correspondence in this case was being returned as undeliverable.¹ I also warned him that failure to do so” by January 18, 2018, would “result in **DISMISSAL** of this case **with prejudice without further prior notice.**² Bundy has failed to do so.

District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case.³ A court may dismiss an action with prejudice based on a party’s failure to prosecute an action, failure to obey a court order, or failure to comply with local rules.⁴ In determining whether to dismiss an action for lack of prosecution, failure to obey a court order, or failure to comply with local rules, the court must consider several factors: (1) the public’s interest in expeditious

¹ ECF No. 18.

² *Id.*

³ *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986).

⁴ See *Ghazali v. Moran*, 46 F.3d 52, 53–54 (9th Cir. 1995) (dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260–61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440–41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring pro se plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of prosecution and failure to comply with local rules).

1 resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the
2 defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the
3 availability of less drastic alternatives.⁵

4 I find that the first two factors weigh in favor of dismissal. The risk-of-prejudice factor
5 also weighs in favor of dismissal because a presumption of injury arises from the occurrence of
6 unreasonable delay in filing a pleading ordered by the court or prosecuting an action.⁶ Although I
7 recognize that Bundy had been actively involved in defending himself in the criminal prosecution
8 that led to his detention that underlies this civil action, that case was dismissed more than two
9 months ago,⁷ and he still has not updated his address. The fourth factor is greatly outweighed by
10 the factors in favor of dismissal, and a court's warning to a party that his failure to obey the
11 court's order will result in dismissal satisfies the "consideration-of-alternatives" requirement.⁸
12 Bundy received a bolded, capitalized warning that his case would be dismissed if he did not
13 correct his on-file mailing address, but he did not heed that warning.

14 Accordingly, IT IS HEREBY ORDERED that this action is **DISMISSED with prejudice**
15 based on Bundy's failure to file an updated address in compliance with my December 18, 2017,
16 order. The **Clerk of Court** is directed to **ENTER JUDGMENT** accordingly and **CLOSE THIS**
17 **CASE.**

18 DATED: March 9, 2018.



19 _____
20 United States District Judge

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24 ⁵ *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423–24; *Malone*, 833 F.2d at 130; *Ferdik*,
25 963 F.2d at 1260–61; *Ghazali*, 46 F.3d at 53.

26 ⁶ See *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976).

27 ⁷ See 2:16-cr-0046-GMN-PAL, ECF No. 3117.

28 ⁸ *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132–33; *Henderson*, 779 F.2d at 1424.